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On November 5, 1934, no claimant having appeared, judgments of condemnation were entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23376. Adulteration of cauliflower. U. S. v. 45 Crates of Cauliflower. Default decree of condemnation and destruction. (F. & D. no. 34153. Sample no. 17881-B.)

An examination of the cauliflower involved in this case showed the presence of arsenic and lead in amounts that might have rendered it injurious to health.

On October 9, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 crates of cauliflower at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 8, 1934, by Emil Zywicke, from Yardville, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1934, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23377. Adulteration of pears. U. S. v. 34 Bushels of Pears. Default decree of condemnation and destruction. (F. & D. no. 34155. Sample no. 13419-B.)

Examination of the pears involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On September 27, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 bushels of pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about September 17, 1934, by M. L. Council, from Stevensville, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Council R-2 St. Joseph, Mich. * * * Howell."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On November 15, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23378. Misbranding of salad oil. U. S. v. 9 Cases and 29 Cases of Salad Oil. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 34173. Sample nos. 10540-B, 10541-B.)

This case involved a product consisting essentially of domestic cottonseed oil with some peanut oil and some olive oil present, that was labeled to convey the impression that it was imported olive oil.

On October 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 cases of salad oil at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 16, 1934, by the Modern Packing Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Olio Fino Balbo Brand Tipo Lucca."

The article was alleged to be misbranded in that the statement, "Olio Fino Balbo Brand Tipo Lucca", together with the designs of olive branches and coat of arms with crown, appearing on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was imported Italian olive oil; whereas it was essentially domestic cottonseed oil with some peanut and olive oil, and the misleading impression

was not corrected by the inconspicuous statement at the bottom of the label, "Twenty Percent Olive Oil, Eighty Percent Salad Oil." Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On November 8, 1934, S. Alioto & Sons, Philadelphia, Pa., having appeared as claimants, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

23379. Adulteration of canned shrimp. U. S. v. 574 Cases and 247 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond. (F. & D. nos. 34208, 34209. Sample nos. 12092-B, 12095-B.)

This case involved shipments of canned shrimp which were found to be in part decomposed.

On November 2, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 821 cases of canned shrimp, in part at San Francisco, Calif., and in part at Oakland, Calif., alleging that the article had been shipped in interstate commerce in two consignments on or about September 14 and September 17, 1934, by Dunbar-Dukate Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dunbar Brand Small Salad Shrimp * * * Distributed by Dunbar-Dukate Co., Inc., New Orleans, La."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 30, 1934, the Dunbar-Dukate Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be sorted and repacked to eliminate the decomposed portions, and that it should not be disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

23380. Adulteration of canned shrimp. U. S. v. 496 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of the decomposed portions. (F. & D. no. 34210. Sample no. 17607-B.)

This case involved an interstate shipment of canned shrimp that was found to be in part decomposed.

On October 29, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 496 cases of canned shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 2, 1934, by James A. Smith, from Ferdinandina, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White Rose Shrimp Seeman Brothers, Inc. Wholesale Distributors, New York."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On November 9, 1934, James A. Smith, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond, conditioned that the decomposed portion be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23381. Adulteration of apples. U. S. v. 240 Bushel Baskets of Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 34247. Sample no. 17898-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead.

On October 16, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 240 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in